

REMARKS

This Amendment responds to the Office Action dated June 3, 2004. Based upon the foregoing amendments and following comments, Applicant respectfully requests reconsideration and allowance of the application. Applicant is appreciative of Examiner's comments regarding the allowability of the claims 2-7, 14-19, and 24 upon inclusion of the subject matter recited in the associated base claim and any intervening claims. As such, new independent claim 26 has been added to include the subject matter of original dependent claim 2. New dependent claims 27 and 28 have also been added and are similar to original dependent claims 3 and 4. New independent claim 29 has been added and includes the subject matter of original independent claim 1 and dependent claim 3. New dependent claim 30 has also been added and is similar to original dependent claim 4. Also, new independent claim 31 has been added and incorporates the subject matter of original dependent claim 14 into original independent method claim 13 and new independent claim 32 has been added to incorporate the subject matter of original dependent claim 15 into original independent method claim 13. Applicants submit that no new matter has been added.

Furthermore, original independent claims 1, 13, and 23 and associated dependent claims 4, 6, 20, and 21 have been amended in order to better define the scope Applicant's invention. Accordingly, amended claim 1 and its associated dependent claims 2-12, amended independent claim 13 and its associated dependent claims 14-22, amended independent claim 23 and its associated dependent claims 24-25 and newly rewritten claims 26-32 are under consideration.

In the present Office Action, claims 1, 8-13, and 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Warrior US 5,764,891. Also, the Office Action further

rejects claim 21-23 and 25 under 35 U.S.C. 103(a) as being unpatentable over Warrior in view of Applicant's Admitted Prior Art (AAPA). Applicants respectfully submit that the amendments to independent claims 1, 13, 23 have rendered the rejections under §102 and §103 moot. Specifically, the teachings of Warrior are inapposite to Applicant's invention as now claimed. Independent apparatus claims 1 and method claims 13 and 23 have been similarly amended wherein the field devices communicate through a *primary digital data bus*. As shown in Figures 1 and 3 and disclosed in the specification at page 6, line 15 to page 7, line 20, Applicants apparatus claim 1 recites a field device for use in a process control system that interfaces to external communication system(s) through a single or primary digital data bus. Specifically, the field device supports two communication protocols that are coupled through the same primary digital data bus. Additionally, method claim 13 has been amended to include similar subject matter reciting "*receiving communication having a first protocol ... via the primary digital data bus*" and "*receiving communication having a second protocol ... via the primary digital data bus.*" Most significant, Applicants invention provides an external interface to both protocols via the primary data bus. Therefore, Applicants' invention provides communication with either protocol to the field device.

Quite the opposite, the cited prior art does not expressly or inherently describe Applicants' invention as now claimed. As correctly identified in the office action, Warrior does couple a first communications interface and a second communications interface adapted to process a first and a second protocol, but the first and second communication interfaces are not coupled to a primary data bus. One skilled in the art recognizes the teachings of Warrior place the respective interface circuits in a series connection. *See Fig. 3; see also* col. 3, lines 35-67 through col. 4, lines 1-37. This series connection requires the first communications interface to function as a protocol translator to the second communications interface. As

detailed in the pending application, this protocol translation is wholly inefficient and suffers from decreased reliability when attempting to commission or configure a field device. *See* the specification page 2, line 8, to page 3, line 17. As such, Applicants respectfully submit that Warrior does not disclose or suggest coupling of both first and second communication interfaces to a single or primary digital data bus, as specified in the claims. Therefore, Applicants submit that that claims 1, 8-13, and 20 are now in condition for allowance.

Additionally, the Office Action further rejects claim 21-23 and 25 under 35 U.S.C. 103(a) as being unpatentable over Warrior in view of Applicant's Admitted Prior Art (AAPA). Applicants respectfully traverse these rejections. Applicants have amended independent claim 23 to include "*the first communications interface and the second communications interface [being] ... operatively coupled to a primary digital data bus.*" Similar to the foregoing arguments, the teachings of Warrior do not explicitly or implicitly suggest coupling of both first and second communication interfaces to a single or primary digital data bus. The series communication network described in Warrior is functional only for the protocol translation scheme. As understood by one of ordinary skill in the art, the secondary protocol, described as HART within Warrior, cannot communicate to the transmitter through the primary bus. The electrical characteristics and the communications software of the first and second protocols are completely dissimilar.

Alternatively, the communications systems described, and now claimed, in the pending application can be clearly distinguished from the cited prior art in that it utilizes a parallel network to permit a handheld HART communicator to directly connect to the primary digital data bus from communication. Applicants' submit that the multiple protocol communication interface now claimed is patentably distinct from Warrior. As such, the

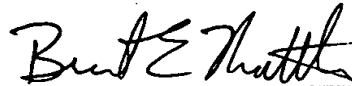
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rejections under Warrior in view of AAPA have been overcome. Therefore Applicants respectfully submit that claims 1, 8-13, 20-23, and 25 are now allowable.

CONCLUSION

Thus, for the reasons stated above, the Applicant submits that the specification and claims are in proper form and clearly define patentability over the prior art. Therefore, reconsideration of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brent E. Matthias", is written over a horizontal line.

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